THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE D. APPA RAO

Taken up Writ Petition No.11983 of 2007

Date: 26-06-2007

Between:

Smt. Malli Bujjamma,
W/o. Sri Malli Prasad,
R/o. Ulavapalla village,
Dagadarthi Mandal,
Nellore District.

… Petitioner/s

And

The Station House Officer,
Bitragunta Police Station,
Bitragunta,
Nellore District and another.

… Respondent/s

THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE D. APPA RAO

Taken up Writ Petition No.11983 of 2007

ORAL ORDER: (per the Hon'ble Sri Justice D.S.R. Varma)

Heard the learned Assistant Government Pleader, representing the learned Advocate General, appearing for the respondents.

2. This writ petition is taken up on the basis of a telegram, dated 24-05-2007, sent by one Smt. Malli Bujjamma, w/o. Sri Malli Prasad, R/o. Ulavapalla village, Dagadarthi Mandal, Nellore District, alleging that her husband and son viz., Malli Prasad and Malli Mahu, respectively, were forcibly taken away and illegally detained by the Police of Bitragunta Police Station, Nellore District, on 23/24-05-2007 without any reasonable and just cause and that the police have been demanding Rs.50,000/- for their release and she is apprehending danger to their lives.

3. A counter affidavit has been filed by the Sub-Inspector of Police, Bitragunta Police Station, Nellore District, *inter alia,* stating that so far as the alleged detenu No.1 i.e., husband of the petitioner is concerned, D.C.No.855 was opened way back in 1968 and the same is being continued as on today. The very basis for opening the said D.C. Sheet is that he has been a habitual offender in committing number of thefts. Further it is stated that the house of detenu No.1 is under surveillance and Dagadarthi police have been visiting the house of detenu No.1 frequently and found him in his house on 07-06-2007 and 10-06-2007, but he was not detained illegally.

4. As regards the alleged detenu No.2, it is stated that D.C. Sheet No.15 and Suspect Sheet No.5 are being opened and maintained by Dagadarthi Police Station. It is also stated that three cases are being registered by the first respondent police in Crime No.88 of 2005 for the offence under Section 394 of Indian Penal Code (IPC); Crime No.34 of 2007 for the offence under Section 379 I.P.C. and Crime No.35 of 2007 for the offence under Section 20(b) of N.D.P.S. Act and in connection with the above said crimes, earlier he was arrested and remanded to judicial custody and subsequently released on bail. It is further stated that the alleged tetenu No.2 was arrested and remanded in connection with Crime No.235 of 2007 for the offence under Section 380 I.P.C. by Ongole Taluk Police Station and that he is under the orders of remand.

5. From the above said facts, it is obvious that the alleged detenus were not in illegal custody at all, and that the complaint is totally untrue. Therefore, the writ petition is liable to be dismissed.

6. Accordingly, the writ petition is dismissed, at the stage of admission. However, there shall be no order as to costs.

_____

JUSTICE D.S.R.VARMA

_____

JUSTICE D. APPA RAO

26-06-2007.
Msr.

THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND

THE HON'BLE SRI JUSTICE D. APPA RAO

Taken up Writ Petition No.11983 of 2007

26-06-2007
(Msr)